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on July 19, 2004
Date

Lisa Rasmussen
Signature

Lisa Rasmussen
Typed or printed name of person signing Certificate

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Transmittal Letter (in duplicate)

Request for Continued Examination (RCE) Transmittal (in duplicate)

Preliminary Amendment

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David John Heal

Serial No.: 10/009,833

ART UNIT: 1614

Filed: December 17, 2001

EXAMINER: Henley III, R.

Entitled: THERAPEUTIC AGENTS

Atty. Docket No.: BBC-180

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450,
 Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

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July 19, 2004

date of mailing and signature

Lisa Rasmussen

TRANSMITTAL LETTER

Sir/Madam:

Transmitted herewith are: [X] Request for Continued Examination (RCE) Transmittal (in duplicate); and [X] Preliminary Amendment to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

A fee for additional claims is not required.

A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS			0	× \$18	= 0.00
INDEPENDENT			0	× \$84	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM			+\$280		= 0.00
TOTAL FEES DUE					= 00.00

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ABC PATTENTS

BBC-180
Serial No. 09/399,083

PAYMENT OF FEES

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NO. 0183 P. 3

JUL 19 2004

OFFICIAL

- [X] The Commissioner is hereby authorized to charge payment of \$310.00, pursuant to 37 CFR 1.136 and 1.17, to Deposit Account No. 010025. A duplicate copy of this transmittal letter is transmitted herewith.

Applicants paid \$110.00 for response within the first month pursuant to 37 CFR 1.17(a)(1) with the Reply filed June 17, 2004. Since the instant RCE is being filed within the second month from the mailing date of the Final Office Action, and the extension fee applicable is normally \$420.00, the extension fee applicable, after deducting the previously paid \$110.00, is \$310.00.

PETITION FOR EXTENSION OF TIME

- [] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [] \$110.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
[] \$420.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
[] \$950.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
[] \$1,480.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);
[] \$2,010.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5);
- [X] The Commissioner is hereby authorized to charge payment of any fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 010025 A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Gayle O'Brien

Gayle B. O'Brien
Agent for Applicants
Reg. No. 48,812
Abbott Bioresearch Center, Inc.
100 Research Drive
Worcester, MA 01605
(508) 688-8053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David John Heal

Serial No.: 10/009,833

ART UNIT: 1614

Filed: December 17, 2001

EXAMINER: Henley III, R.

Entitled: THERAPEUTIC AGENTS

Atty. Docket No.: BBC-180

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July 19, 2004

date of mailing and signature

Lisa Rasmussen

TRANSMITTAL LETTER

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A fee for additional claims is not required.

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	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
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INDEPENDENT			0	× \$84	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM			+\$280		= 0.00
TOTAL FEES DUE					= 00.00

BBC-180
Serial No. 09/399,083

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Respectfully submitted,

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Gayle B. O'Brien
Agent for Applicants
Reg. No. 48,812
Abbott Bioresearch Center, Inc.
100 Research Drive
Worcester, MA 01605
(508) 688-8053

PTO/SB/90 (08-03)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	10/009,833
<i>Filing Date</i>	December 17, 2001
<i>First Named Inventor</i>	David John Heal
<i>Art Unit</i>	1614
<i>Examiner Name</i>	Henley III, R.
<i>Attorney Docket Number</i>	BBC-180

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. Other _____
- b. Enclosed
- i. Amendment/Reply iii. Information Disclosure Statement (IDS)
- ii. Affidavit(s)/Declaration(s) iv. Other _____
2. **Miscellaneous**
- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-0025
- i. RCE fee required under 37 CFR 1.17(e)
- ii. Extension of time fee (37 CFR 1.136 and 1.17)
- iii. Other Extension of Time fee (37 CFR 1.136 and 1.17) in the amount of \$310.00
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Gayle B. O'Brien	Registration No. (Attorney / Agent)	48,812
Signature	<i>Gayle B. O'Brien</i>	Date	July 19, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Lisa Rasmussen
Signature	<i>Lisa Rasmussen</i>

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTC/SB/30 (08-03)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL.**

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	10/009,833
<i>Filing Date</i>	December 17, 2001
<i>First Named Inventor</i>	David John Heal
<i>Art Unit</i>	1614
<i>Examiner Name</i>	Henley III, R.
<i>Attorney Docket Number</i>	BBC-180

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- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

- b. Enclosed

- i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Gayle B. O'Brien	Registration No. (Attorney / Agent)	48,812
Signature	<i>Gayle O'Brien</i>	Date	July 19, 2004

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PATENT
Attorney Docket No. BBC-180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : EXAMINER: Henley III,
David John Heal : Raymond J.
APPLICATION NO.: 10/009,833 : ART UNIT: 1614
: -----

FILED: December 17, 2001 : -----

FOR: Therapeutic Agents : -----

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Date of Deposit July 19, 2004

Lisa Rasmussen

Lisa Rasmussen

Sir:

PRELIMINARY AMENDMENT

After entry of the attached Request for Continued Examination, please enter the following Reply. A Final Office Action was mailed February 17, 2004. A Reply was filed June 17, 2004. An Advisory Action was mailed June 29, 2004 advising Applicants that the Reply filed June 17, 2004 did not place the application in condition for allowance. However, since July 17, 2004 is a Saturday, the instant reply is being timely filed on Monday, July 19, 2004, pursuant to 37 C.F.R. §1.7(a).

Remarks/Arguments begin on page 2 of this paper.